

**ORDINANCE NO. 20454-10-2012**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF FORT WORTH, BEING ORDINANCE NO. 13896, AS AMENDED, CODIFIED AS APPENDIX "A" OF THE CODE OF THE CITY OF FORT WORTH, BY AMENDING ARTICLE 1 "STANDARDS FOR SELECTED USES", OF CHAPTER 5, "SUPPLEMENTAL USE STANDARDS" TO AMEND ARTICLE 3, "ACCESSORY USES" TO CLARIFY TYPES OF ACCESSORY USES AND STANDARDS APPLIED TO SUCH USES; TO INCREASE THE MAXIMUM HEIGHT OF STORAGE SHEDS; TO PROVIDE FOR REGULATION OF DUMPSTERS AND TEMPORARY STORAGE STRUCTURES; TO ALLOW TWO GARAGES ON RESIDENTIAL LOTS OF ½ ACRE OR LARGER; TO CREATE NEW REGULATIONS FOR COMMERCIAL ACCESSORY STRUCTURES AND TO ADD A DEFINITION; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, certain amendments are necessary to clarify the regulations for types and placement of accessory uses and to include regulations for temporary storage containers and dumpsters in residential zoning districts; and

**WHEREAS**, the board of adjustment consistently grants variances to the maximum height of non-habitable accessory structures; and

**WHEREAS**, the use of accessory building by nonresidential uses necessitate regulations to ensure their property usage and placement; and

**WHEREAS**, regulations for accessory structures in "AG" agricultural and unified residential developments (multifamily) are most appropriate in the applicable sections and the regulations for satellite dish antennae are obsolete;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF  
THE CITY OF FORT WORTH, TEXAS**

**SECTION 1.**

Chapter 5 “Supplemental Use Standards” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 3, “Accessory Uses”, Section 5.300 “General” to read as follows:

**5.300 General.**

- A. **Uses.** Accessory uses as regulated by this section are uses which are clearly incidental to the use of the principal building/primary structure or the primary use. Accessory uses include permanently installed detached accessory structures such as porches supported by columns, greenhouses, garages (greater than a 6 foot door), guest houses, studios, carports, private workshops (6 foot door or less), play structures, swimming pools, pool houses, gazebos/cabanas/pergolas, boat docks, outdoor kitchen facilities, riding arena for the personal use of the resident owner, storage buildings, dumpsters (non-residential) or similar uses. Accessory uses not permitted in residential districts include carports not permanently installed, portable storage containers for permanent use, shipping containers, rail cars and the like. Flagpoles are not considered an accessory use but must meet the height requirement of the zoning district.
- B. **Utility Meters.** Accessory structures that connect to utilities such as water, electric, and gas must receive service from meters serving the primary structure.
- C. **Size.** Accessory structures shall not be a greater square footage than the primary structure.
- D. **Placement on Platted Lots.** Accessory structures shall not be constructed or placed on a lot without a primary use or across platted property lines where the primary use does not cross the property line.
- E. **Not permitted in more restrictive district.** Buildings, structures or uses that are accessory to the uses permitted in one district shall not be permitted in a district of a more restrictive classification.
- F. **Accessory structures not permitted in front yards.** No attached or detached accessory structures such as, porches supported by columns, greenhouses, garages, swimming pools or similar uses shall be erected on property within the minimum front yard, established front yard or

projected front yard. When the platted front yard or established front yard is less than the minimum required front yard, the setback of the minimum required front yard shall be met.

## **SECTION 2.**

Chapter 5 “Supplemental Use Standards” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 3, “Accessory Uses”, Section 5.301 “Accessory Buildings on Residential Lots” to read as follows:

### **5.301 Accessory Uses on residential lots.**

#### **A. General Provisions**

1. Any accessory building added to an existing legal non-conforming one or two-family dwelling shall conform to the district standards applicable to the residential use.
2. Accessory buildings shall comply with the side and rear setbacks for the primary structure of the zoning district applicable to the residential use.
3. The total area covered by all rooftops shall not exceed the maximum lot coverage (%) for the district applicable to residential use.
4. Accessory structures attached to a primary structure by a breezeway, covered walkway, or other structure whose roofline is not part of the primary structure shall not be considered to be an extension of the primary structure.
5. For purposes of enforcing this section, the MH zoning district is considered a residential zoning district.

#### **B. Non-habitable accessory structures**

1. All accessory structures except private garages, private carports, or private porte cocheres:
  - a. Allowable square footage.
    - Non-habitable accessory buildings shall not exceed the maximum square footage for each residential lot size as depicted in the following table:

Lot Size	Maximum total square feet For accessory buildings
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Less than 5,000 square feet	120 square feet
5,000 to 9,999 square feet	200 square feet
10,000 to 21,779 square feet	400 square feet
21,780 to 43,559 square feet	400 square feet
43,560 square feet or larger	2% of the total area of the lot

- The maximum square footage limits shown above shall be cumulative of all non-habitable accessory structures for each lot excluding private garages, private carports, and private porte cocheres. Private garages, private carports, and private porte cocheres shall not be included for the purpose of determining allowable square footage of non-habitable accessory structures on a residential lot.
  - The square footage within an attic or loft shall be excluded from the calculation of maximum square footage of a non-habitable accessory building or structure.
- b. Non-habitable accessory buildings or structures shall be limited to one story, but may have an attic or loft, provided the attic or loft does not contain heated or air-conditioned floor space. The non-habitable accessory structure may not exceed the height of the primary structure.
  - c. All non-habitable accessory structures must be located behind the rear wall of the primary residential structure that is furthest from the street or at least 75 feet from the front of the property line, whichever is the least restrictive.
  - d. Non-habitable accessory structures shall be limited to a height of ten feet. The height of the accessory structure may be increased to a maximum height of twelve feet, provided that, for each additional foot in height over ten feet, the accessory building is set back an additional two feet (2:1) from the rear and side setback requirements of the district applicable to the residential use.
  - e. Temporary portable storage containers and dumpsters may be utilized for a maximum of 30 days unless associated with an unexpired building permit, which may be allowed up to 180 days or the duration of the building permit, whichever is less. One such container per building permit may be allowed per address for each year. These units must be placed only on a permanently paved driving or parking surface if in the front yard of a single family or two

family home and may not encroach into the street right-of-way.

2. Private Garages, private carports, or private porte cocheres
  - a. Non-habitable accessory buildings or structures shall be limited to one story, may have an attic or loft provided the attic or loft does not contain heated or air conditioned floor space. The non-habitable accessory structure may not exceed the height of the primary residence.
  - b. No more than one garage and one carport or porte cochere per residential unit on a single residential lot shall be permitted on lots less than ½ acre. Additional garages or porte cocheres may be permitted provided the garages and porte cocheres are:
    - i. An integral part of the primary residential structure; and
    - ii. Have the same roofline as the primary residential structure; and
    - iii. Share a driveway and/or motor court as the primary residential structure.
  - c. On lots ½ acre or larger, two garages and one carport or porte cochere per residential unit on a single residential lot shall be permitted.
  - d. Private carports and private porte cocheres in rear setbacks.
    - i. The rear yard setback for a private carport or private porte cocheres in one-family districts with a lot size of 7,500 square feet or less shall be 1.5 feet when the following conditions are met:
      1. The maximum square footage of the carport or porte cochere is not greater than 400 square feet;
      2. The maximum height of the plate of the carport or porte cochere is no higher than the plate height of the first floor of the main residential structure; and
      3. The roof pitch of the carport or porte cocheres is no steeper than the predominate roof pitch of the main residential structure.
    - ii. Private carports and private porte cocheres in side yard setbacks. The side yard setback for a private carport or private porte cochere in one-family districts with a lot size of 7,500 square feet or less shall be 1.5 feet when the following conditions are met:

1. The maximum total square footage of the carport or porte cochere is not greater than 200 square feet;
  2. The maximum height of the plate of the carport or porte cochere is no higher than the plate height of the first floor of the main residential structure; and
  3. The roof pitch of the carport or porte cochere is no steeper than the dominate roof pitch of the main residential structure.
- iii. Private carports and private porte cocheres in front yard setbacks. No private carport or porte cochere shall be permitted within the minimum required front yard, platted front yard, or projected front yard of residential dwellings except by special exception granted by the Board of Adjustment in accordance with the use tables in Chapter 4, Article 6. In reviewing a request for a private carport or porte cochere within the minimum required front yard, platted front yard, or projected front yard, the Board of Adjustment shall consider the following:
1. The presence and/or absence of a functional garage on the residential lot, parcel or tract;
  2. The viability of access to the side and rear yard;
  3. The size, height, and design of the carport or porte cochere and its impact on adjacent properties; and
  4. The incidence of other carports or porte cocheres on the block face.

C. Habitable accessory structures:

In addition to the requirements set out in Subsection A “General Provisions”, habitable accessory buildings must comply with the following requirements:

1. Must meet all applicable City of Fort Worth Building Code for Habitable Structures.
2. May not exceed the height of the primary.
3. May be used only as an Accessory Dwelling Unit and may not be used as a separate independent residence for one-family districts.

### **SECTION 3.**

Chapter 5 “Supplemental Use Standards” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 3, “Accessory Uses”, Section 5.302 “Accessory Buildings in “AG” district to replace in its entirety to read as follows:

#### **5.302 Accessory Uses on Non-Residential Lots**

**A. General Provisions**

Accessory storage structures shall comply with the side and rear setbacks for the primary structure of the applicable zoning district.

**B. Non-Habitable Accessory Uses**

1. All non-habitable accessory uses must be located behind the front wall of the primary structure that is furthest from the street.
2. If adjacent to a residential district, the height of the accessory structure shall be limited to a height of 10 feet. The height of the accessory structures shall be measured from the ground to the highest point of the structure. The height of the structure may be increased to a maximum height of 12 feet, provided that, for each one foot in height over ten feet, the accessory structure is set back an additional 2 feet (2:1 ratio) from the rear and side yard setback requirements in the district applicable to the non-residential use.
3. Refuse dumpsters and recycling collection containers shall be installed on concrete pads and be screened on all sides from view of a public street or residential area.
4. Storage containers must not be placed on required parking spaces, and must be located behind the primary structure on street frontages.
5. Structures intended as a display of inventory for sale are not regulated by this Section.
6. Job trailers/offices are allowed for construction personnel as part of a building permit and tied to the building permit for the duration of the job.
  - a. Two or more trailers must be spaced a minimum of 10 feet apart. A deck may be installed to connect multiple trailers.
  - b. If the trailer is located off the job site, the following applies:
    - i. Must be in “E” Neighborhood Commercial or less restrictive zoning district;
    - ii. The office must have a dust free parking surface;

- iii. Landscaping and a screening fence/bufferyard is not required;
  - iv. One sign is permitted indicating the nature of construction.
- C. Habitable Accessory Uses
- Security Residence. One residence may be permitted as an accessory use in non-residential districts when part of a business for security purposes. A structure classified as a security residence is not intended to serve as a rental unit independent of the business. A temporary structure, such as a mobile home or RV is not permitted as a permanent security residence.

#### **SECTION 4.**

Chapter 5 “Supplemental Use Standards” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 3, “Accessory Uses”, Section 5.303 “Accessory Uses in Unified Residential Developments” to delete it in its entirety to read as follows:

##### **5.303 Reserved**

#### **SECTION 5.**

Chapter 5 “Supplemental Use Standards” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to revise Article 3, “Accessory Uses”, Section 5.304 “Satellite Antenna (dish)” to delete it in its entirety to read as follows:

##### **5.304 Reserved**

#### **SECTION 6.**

Section 4.200.D. “Other Development Standards” Chapter 4 “District Regulations” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to add subsection #5 to read as follows:



5. Accessory buildings and structures clearly incidental to a farm, ranch, orchard, truck garden, or nursery (including but not limited to barns, stables, equipment sheds, poultry houses, swine pens, granaries, pump houses, water tanks and silos) are permitted in the “AG” district provided that accessory building and structures on tracts that contain less than four acres shall be limited to 50 percent of the area of the principal dwelling, provided further that such allowable area shall not be less than 1,500 square feet.

## **SECTION 7.**

Section 6.506. “Unified Residential Development of Chapter 6 “Development Standards” of Ordinance No. 13896, the Zoning Ordinance of the City of Fort Worth, is hereby amended to add Subsection M and delete the commentary to read as follows:

### **M. Accessory uses in Unified Residential Developments**

In addition to other uses which qualify as accessory uses, the following shall be considered as accessory uses to unified residential development:

1. Recreation areas and spaces within buildings primarily for use of the dwelling occupants.
2. Kindergarten and day care center primarily for the use of the dwelling occupants.
3. Mechanical and storage buildings necessary for operation and maintenance of the unified residential development.
4. Manager’s office.
5. Garages, carports.

## **SECTION 8.**

Chapter 9, “Definitions” of Ordinance No. 13896, the zoning ordinance of the City of Fort Worth, is hereby amended to add the definition related to primary structure to read as follows:

**PRINCIPAL BUILDING/PRIMARY STRUCTURE:** A structure in which the primary use of the property is conducted.

**STRUCTURE:** Anything constructed or erected with a foundation for habitable or nonhabitable purposes, which requires location on the ground, or attached to something

having a location on the ground. For signage, this includes but is not limited to advertising signs, billboards and poster panels, but exclusive of customary fences or boundary or retaining walls, sidewalks and curbs.

#### **SECTION 9.**

This ordinance shall be cumulative of all provisions of ordinances and of the Code of the City of Fort Worth, Texas (1986), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

#### **SECTION 10.**

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

#### **SECTION 11.**

Any person, firm, or corporation, who violates, disobeys, omits, neglects or refuses to comply with or who resists the enforcement of any of the provisions of this ordinance shall be fined not more than Two Thousand Dollars (\$2,000.00) for each offense. Each day that a violation exists shall constitute a separate offense.

## **SECTION 12.**

All rights and remedies of the City of Fort Worth, Texas, are expressly saved as to any and all violations of the provisions of Ordinances No. 3011, 13896 and any other ordinances affecting zoning which have accrued at the time of the effective date of this ordinance, and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance but may be prosecuted until final disposition by the courts.

## **SECTION 13.**

The City Secretary of the City of Fort Worth, Texas, is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Section 52.013, Texas Local Government Code.

## **SECTION 14.**

All other provisions of the Zoning Ordinance of the City of Fort Worth not herein amended shall remain in full force and effect.

## **SECTION 15.**

This ordinance shall take effect upon adoption and publication as required by law.

APPROVED AS TO FORM AND LEGALITY:

By: Melinda Rums  
Assistant City Attorney

ADOPTED: October 9, 2012

EFFECTIVE: October 27, 2012